

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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NDN COLLECTIVE, SUNNY RED BEAR,  
NICK COTTIER, BRE JACKSON, MARY  
BOWMAN, and GEORGE BETTEL YOUN,

Plaintiffs,

vs.

RETSEL CORPORATION, d/b/a GRAND  
GATEWAY HOTEL and d/b/a CHEERS  
SPORTS LOUNGE AND CASINO, and  
CONNIE UHRE,

Defendants,

and

RETSEL CORPORATION, d/b/a GRAND  
GATEWAY HOTEL and d/b/a CHEERS  
SPORTS LOUNGE AND CASINO and  
NICHOLAS UHRE,

Counterclaimants,

vs.

NDN COLLECTIVE,

Counterclaim Defendant.

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**5:22-CV-05027**

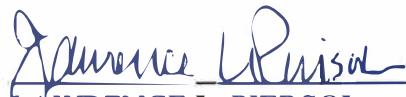
**ORDER DENYING DEFENDANTS'  
MOTION TO CERTIFY FOR  
INTERLOCUTORY APPEAL**

Pending before the Court is Defendants' Motion to Certify this Court's April 17, 2025, and June 6, 2025, Orders for interlocutory appeal. (Doc. 313). The Orders Defendants refer to are Orders concerning the Article III and prudential standing of Plaintiffs. At this point, the Court has lost track of how many times Defendants have raised arguments on these issues. Plaintiffs suggest this would be the ninth, and the Court does not doubt that suggestion.

The Court has expended significant judicial resources in comprehensively addressing Defendants' standing arguments in several previous orders. (See Docs. 206; 212; 229; 279; 309). Additionally, on two separate occasions, Defendants presented their standing arguments to the Eighth Circuit Court of Appeals for review. The Eighth Circuit rejected both attempts. *See In re Retsel Corp.*, Case No. 24-2783 (Denying petition for writ of mandamus seeking to direct this Court to reverse its standing decision and Denying Defendants' request for rehearing.); *NDN Collective et al v. Retsel Corp. et al*, Case No. 24-2788 (Denying Defendants' appeal of this Court's summary judgment orders on the issue of standing). The Court's position concerning the standing of the remaining Plaintiffs is clear and there is not "substantial ground for difference of opinion." Thus, the Court finds that the 28 U.S.C. § 1292(b) factors have not been met and it will not further exhaust judicial resources to revisit arguments that have been comprehensively considered and conclusively decided. Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Certify, Doc. 313, is DENIED.

DATED this 30<sup>1</sup> day of June, 2025.

BY THE COURT:

  
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LAWRENCE L. PIERSOL  
United States District Judge